
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1065 Session of
2020

INTRODUCED BY K. WARD, MASTRIANO, COLLETT AND TARTAGLIONE,
MARCH 10, 2020

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 10, 2020

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," in fireworks, further providing for use of
11 consumer fireworks and for penalties.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 2404 and 2414 of the act of March 4,
15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, are
16 amended to read:

17 Section 2404. Use of consumer fireworks.

18 (a) Conditions.--A person who is at least 18 years of age
19 and meets the requirements of this article may purchase, possess
20 and use consumer fireworks.

21 (b) Prohibitions.--A person may not intentionally ignite or
22 discharge:

1 (1) Consumer fireworks on public or private property
2 without the express permission of the owner.

3 (2) Consumer fireworks or sparkling devices within, or
4 throw consumer fireworks or sparkling devices from, a motor
5 vehicle or building.

6 (3) Consumer fireworks or sparkling devices into or at a
7 motor vehicle or building or at another person.

8 (4) Consumer fireworks or sparkling devices while the
9 person is under the influence of alcohol, a controlled
10 substance or another drug.

11 (5) Consumer fireworks within 150 feet of an occupied
12 structure.

13 (6) Consumer fireworks between the hours of 10 P.M. and
14 8 A.M. unless during a federally recognized holiday or the
15 use is otherwise allowed by a permit issued by the
16 municipality in which the consumer fireworks are to be used.

17 Section 2414. Penalties.

18 The following shall apply:

19 (1) A person using consumer fireworks in violation of
20 the provisions of this article commits a summary offense and,
21 upon conviction, shall be punished by a fine of not more than
22 \$100 for a first offense, \$150 for the second offense and
23 \$200 for a third offense or subsequent offense.

24 (2) A person selling consumer fireworks in violation of
25 the provisions of this act commits a misdemeanor of the
26 second degree.

27 (3) A person selling display fireworks in violation of
28 the provisions of this act commits a felony of the third
29 degree.

30 (4) A person selling federally illegal explosives such

1 as devices as described in 49 CFR 173.54 (relating to
2 forbidden explosives) or those devices that have not been
3 tested, approved and labeled by the United States Department
4 of Transportation, including, but not limited to, those
5 devices commonly referred to as M-80, M-100, blockbuster,
6 cherry bomb or quarter or half stick explosive devices, in
7 violation of the provisions of this act commits a felony of
8 the third degree.

9 Section 2. This act shall take effect in 60 days.